

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

August 20, 2015

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:30 p.m.
Those in attendance were:

- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Tracy McPherson, Dept. of Community Colleges - Ex-Officio Member
- *Chief Harold Medlock, Jr., NC Police Executives Association
- *Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- *Dr. Bob Ruth, NC Criminal Justice Association
- *Lt. Yolanda Sparrow, North State Law Enforcement Officers' Association

Visitors

Jonathan Beck, NC Correction Enterprises
Marianne Bond, Durham Police Department
Karen Brown, NC Correction Enterprises
Eddie Caldwell, NC Law Enforcement Officers' Association
Chief Scott Cunningham, NC Association of Chiefs of Police
Stephanie Freeman, NC Administrative Office of the Courts
Jon Gregory, Wake Technical Community College
Marty McNeely, NC Department of Public Safety – OSDT
Anne Precythe, NC Department of Public Safety – Community Corrections
Jeff Robinson, Wake Technical Community College
Joyce Ruth, Wife of Commissioner Dr. Bob Ruth
Peggy Schaefer, International Association of Directors of Law Enforcement Standards & Training (IADLEST)
Monica Shabo, NC Department of Public Safety – OSDT
Charles Walston, NC Department of Public Safety – OSDT

Staff

Trevor Allen, NC Criminal Justice Standards Division
Wayne Ayers, NC Justice Academy
Bill DuBois, NC Justice Academy
Steven G. Combs, Director, NC Criminal Justice Standards Division
Darlene Jackson, NC Justice Academy
Dawn Suffel, NC Criminal Justice Standards Division
Mark Strickland, Director, NC Justice Academy
Dan Worley, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

Chairperson Robin Pendergraft welcomed members and guests. The meeting was called to order and the roll was called. A quorum was present.

Director Steven Combs introduced Captain Marianne Bond from Durham Police Department, who is joining the Commission and will be assigned to the E&T Committee. She will sit on the Committee in November 2015.

MINUTES

Commissioner Nathan Mizell proposed a **motion** to accept the minutes of the May 20, 2015 meeting with a **second** from Commissioner Bob Ruth, **motion carried**.

COMMISSION ACTION

ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS

On behalf of the Criminal Justice Standards Division Staff, Deputy Director Trevor Allen presented proposed rule changes for the Criminal Justice Education & Training Standards Commission to address a variety of recently identified issues.

The requests would require rule changes for the following rules:

- 12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification
- 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification
- 12 NCAC 09B .0310 – Terms and Conditions of SMI Instructors

Deputy Director Trevor Allen then presented proposed rule revisions to ***12 NCAC 09B .0303-Terms and Conditions of General Instructor Certification*** and ***12 NCAC 09B .0305-Terms and Conditions of Specialized Instructor***. Mr. Allen stated that at the May 2015 Commission meeting, Rule 09B .0305 was revised, mandating that Specialized Firearms and Physical Fitness Instructors demonstrate proficiency in their specialties during their certification period. During the Rules Review Commission's review of this rule, the term "Commission recognized in-service training" was determined to be vague, and they required a specific definition of the term. Division staff's interpretation of the rules would allow instructional hours from only the following training courses to count toward recertification:

- BLET and Dept. of Adult Correction and Juvenile Justice Basic Training courses
- General, Specialized and SMI Instructor courses
- SMI Operator Courses
- MIST, to include Department topics of choice
- Sheriffs' Standards Commission mandated in-service training

Prior Division practice has accommodated requests for recertification by accepting instructional hours outside of the above-listed courses, including K-9, DCI Training, Fraudulent Document Recognition, Tasers, and many others. As a result of this past practice, the number of instructors certified through the Commission has grown to over 7,000. Certifying and recertifying this many instructors taxes the Division staff, such that it increases the amount of time necessary to issue instructor re-certifications to over three (3) weeks. Also, instructors are being certified to teach topics unrelated to, or not mandated by the Commission. Mr. Allen requested that the E&T Committee discuss the issue and vote to keep the language in the rule as proposed, or allow other instructional hours to satisfy the requirements and revise the rule. **12 NCAC 09B .0303(h)** includes a definition for the term "Commission-recognized training" for the purpose of General Instructor certification, which may serve as a basis for the over defining of this term.

Mr. Allen distributed a handout with a sample listing of some of the courses that have been submitted to the Commission for consideration for approval. Within that list, there are a number of courses that are not considered "commission recognized" training by interpretation of the rule. Mr. Allen stated it is not an issue of the quality of the training, but rather it is an issue of what the Commission should be accepting as certified training. The Commission receives approximately 400 applications per day for instructor certification. Some courses that are submitted to the Commission are defensive tactics oriented and driver oriented training, which is not what the Commission certifies those instructors to teach, and if they teach them, there is concern as to whether or not it would create a liability for the Commission.

Commissioner Steve Johnson asked if any of the topics on the handout list could be submitted as "Chief's Choice." Mr. Allen responded that very few were, but if designated by the chief, they could be accepted. Some police departments and other law enforcement agencies have a high percentage of instructors on staff. Being a certified instructor perhaps is being used for promotional purposes within the department.

Mr. Charles Walston, Training Director for Division of Adult Correction and Juvenile Justice said the Department of Public Safety has approximately 900 certified instructors within 23,000 employees. The Office of Staff Development and Training provides all of the certified training for prison employees, of which there are 12,000 to 13,000 certified employees. OSDT also provides all basic training for probation/parole, which has in excess of 2,000 certified employees and juvenile justice, and includes court counselors and officers who work in detention centers. He said 900 may sound like a lot, but when it comes to the volume of training that occurs within DPS, both mandatory and annual in-service training, the instructor population helps satisfy the training requirements their agency faces. Many DPS employees are in non-certified positions, but have daily contact with the offender population. As an example, the Correction Enterprise operation supervises over 2,600 inmates, and has over 350 full time positions. These positions include laundry and food production. Those employees, by virtue of the interpretive rule, are not certified, yet they have training needs, and they rely on their instructors to meet the training needs. Mr. Walston stated that they face critical staff shortages in certified ranks. Some of the prison institutions that house 1,500 inmates have as much as a 30 percent vacancy rate within the correctional officer ranks. In order to satisfy the training requirements, we cannot rely solely on those who are in a certified position. They have to rely on employees, who by virtue of their position, years of experience and education, to provide instructional duties to satisfy those training needs. Mr. Walston referenced Jonathan Beck, Warehouse Manager with Correction Enterprises, who recently

completed the General Instructor program. His application has been submitted to the Commission for consideration and approval. DPS received an email from CJ Commission Director Steven Combs indicating that Commission staff did not feel that this applicant met the requirements. Mr. Walston said if the Committee changed these rules, he feels it will have an adverse impact on the ability to meet DPS training needs. By training other professionals in their agency, it has enabled them to meet the training needs of their organization efficiently. He noted that DPS does have in-service training for probation/parole officers and correctional officers that is not Commission mandated. **Rule 09G** addresses Adult Corrections' side of training.

Commissioner Pendergraft said she recognized that corrections employees have done an outstanding job in pulling the training level up and making it consistent, and they should be commended for it. She asked Mr. Walston if he thought the 900 certified instructors would not be able to maintain 12 hours every 3 years based on the corrections and juvenile justice basic training courses and instructor courses if a rule change is made. He responded yes, many of those instructors were not trained specifically to teach in the basic training program; they were trained to meet other training needs within the organization. Mr. Walston said as an example, if we were to pull someone from Correction Enterprises to teach in an accredited basic training program just for the purpose of teaching 12 hours every 3 years for renewal purposes seems like a waste of the Correction Enterprises employee's time. DPS certified instructors have a variety of training topics that they teach each year in their own work areas, and the skills they acquire by going through the General Instructor program are not necessarily intended so that the Division of Adult Corrections could rely on these employees to teach in the Commission mandated basic training programs.

Commissioner Pendergraft noted that the Commission does not approve lesson plans for in-service, and they can be chief's choice. She commented that she wanted DPS to be successful, and that there may be a way to assist them in meeting their training needs, but the rule has to be specific.

Mr. Jeff Robinson, Wake Technical Community College, agreed there is a problem, and although he thought the problem was not the original intent of the Commission, he feels the Committee is going about it the wrong way. The intent of a chief or a sheriff in sending an officer to General Instructor School is to be a General Instructor in their own agency. They send them because of its valued training for the agency. Mr. Robinson stated that anyone who goes through instructor school is a better officer and better person.

Mr. Trevor Allen said he was a specialized instructor in the past and taught different kinds of training, such as work hazards and job development performance evaluations. Although it was great training, it was not Commission accredited. Mr. Allen's concern was 'is the Commission certifying instructors to teach Commission training or other training that is not related to the Commission.' Commissioner Johnson stated the purpose of General Instructor certification is to teach Commission courses. General Instructors can teach other courses but not get credit toward their renewal.

Stephanie Freeman with AOC, said she is a former General Instructor and School Director with 17 years of experience as a General Instructor. She is confident that the instructors providing theoretical background understand the principles of adult learning

and lend accountability and creditability. She feels the rule revision could have an adverse impact and sees it as an issue of education, not issue of regulation.

Commissioner Harold Medlock was a General Instructor for 15 years. He stated that the General Instructor certification is used more as a career development position. Someone can be a subject matter expert, but not qualified as a General Instructor.

Commissioner Yolanda Sparrow suggested possibly putting a cap on the number of instructors, either for Commission or for the agency. She expressed that too many instructors are being certified just for the purpose of career development and the fact that it looks good on their resume. She noted some do not even want to teach in-service.

Mr. Jon Gregory had concerns that they may lose valuable training instructors. He said that certification goes a long way and increases value for the instructor.

The Committee took a ten-minute break at 3:15 p.m., and the meeting re-convened at 3:25 p.m.

Commissioner Pendergraft stated that the Committee needs to make a decision on the rule, but will get Division staff together within the next week or two to decide on additional rules that will address the DPS issues discussed in today's meeting.

After extensive discussion by the Committee, Commissioner Steve Johnson proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend the rule, **12 NCAC 09B .0303 – Terms and Conditions of General Instructor Certification**, as follows:

- Modify the language throughout the rule as follow:
 - Change the words "Commission certified" to "Commission accredited."
 - Change the words "Commission recognized" to "an in-service training course pursuant to Rule 09E.0105 (Minimum Training Specifications: Annual In-Service Training) of this chapter."
 - In paragraph (e), add the words "12 hours as specified in Paragraph (c) of this rule" to the sentence.

Also, that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend the rule, **12 NCAC 09B.0305 – Terms and Conditions of Specialized Instructor Certification**, as follows:

- Add language to paragraph (c), subparagraph (1), that reads "proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which the Specialized Instructor Certification was granted and that instruction was provided in a Commission-accredited basic training, Speed Measuring Instrument Operator, SMI Instructor, Instructor Training or Specialized Instructor Training course or in-service course, pursuant to Rule 09E.0105 (Minimum Training Specifications: Annual In-Service Training) of this Chapter."
- Add language to paragraph (c), subparagraph (2), subparagraph (A), that reads "Such teaching must have occurred in a Commission-accredited basic training, Speed Measuring Instrument Operator, SMI Instructor, Instructor Training or Specialized Instructor Training course or in-service course, pursuant to Rule

09E.0105 (Minimum Training Specifications: Annual In-Service Training) of this Chapter, during the three-year period of Specialized Instructor Certification; or”; And direct Division staff to work with DSP Staff to address **Rule 09G**; With a **second** from Commissioner Bob Ruth, **motion carried.**

Mr. Allen further recommended that the Committee consider revising **12 NCAC 09B .0310 – Terms and Conditions of SMI Instructor Certification**. Paragraph (a) (2) of this rule currently mandates that SMI instructors *...“have been active in the SMI classroom instructional process...”* in order to be recertified. For the purposes of consistency and ensuring that quality instruction is delivered, Division staff recommended that SMI instructors teach twelve (12) evaluated hours of instruction during each certification period, just as all other instructor certifications require.

Mr. Allen said that SMI instructors are not technically considered specialized instructors. Currently, there is no requirement for SMI instructors to have a certain number of hours for the certification period, just that they be active in the SMI instructional process. Mr. Dan Worley, NC Justice Academy, stated that SMI instructors are required to complete 12 hours of General Instructor training, along with radar instruction. The Commission has never elected to mandate a number of hours for them in radar instructor class, with the reason being that some instructors were used only for road tests and not being used standing at the podium teaching a class. Mr. Allen noted that he was making the revision recommendation in order to be specific and consistent.

After discussion, the Committee decided to table this issue.

COMMITTEE ACTION

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen presented the proposed changes for Specialized Firearms and Physical Fitness Instructors. **12 NCAC 09B .0305 - Terms and Conditions of Specialized Instructor Certification** was amended earlier this year to require these instructors to demonstrate proficiency in their specialties during the three-year certification period. Division staff recommended to the Committee that a start date of January 1, 2016 be implemented in order to allow these specialized instructors to obtain the necessary documentation required by the new rule. Commissioner Steve Johnson proposed a **motion** to accept the recommendation, with a **second** from Commissioner Bob Ruth, **motion carried.**

SPEED MEASURING INSTRUMENT ADVISORY COMMITTEE

On behalf of the Speed Measuring Instrument Advisory Committee, Dan Worley, North Carolina Justice Academy, recommended the addition of the Laser Technology Inc. “TruSpeed LR” LIDAR speed measuring instrument to the current listing of approved instruments for field use, as outlined in Appendix A of the Supplement for Speed Measuring Instrument Training Courses. The request included the proposed revisions to add this instrument to Appendix A – Approved for Use List and Appendix C – Daily Tests for Accuracy in the “Supplement for Speed Measuring Instruments Training Courses.”

Commissioner Harold Medlock proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Yolanda Sparrow, **motion carried**.

SCHOOL ACCREDITATION SUBCOMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Trevor Allen presented a recommendation that the following institutions be reaccredited for a period of five (5) years in accordance with ***12 NCAC 09B.0200 and 12 NCAC 09C.0401*** for the delivery of the Commission regulated training:

- Re-Accreditation: Durham Technical Community College - BLET and SMI
- Accreditation: Durham Technical Community College - General Instructor Training
- Accreditation: Forsyth County Sheriff's Office - General Instructor Training
- Re-Accreditation: Raleigh Police Department - BLET and SMI
- Re-Accreditation: Sandhills Community College - BLET, SMI, and General Instructor Training
- Re-Accreditation: Tri-County Community College - BLET and General Instructor Training

Commissioner Yolanda Sparrow proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Steve Johnson, **motion carried**.

NORTH CAROLINA ASSOCIATION OF CHIEFS OF POLICE

On behalf of the N.C. Association of Chiefs of Police, Mr. Mark Strickland, Director, North Carolina Justice Academy, requested the approval of pilot authority for the Association to deliver regional training that would count towards credit for In-Service topic of choice for 2015 and 2016. The Association will sponsor training on the west campus of the NC Justice Academy in the Fall of 2015 and on the east campus of the NC Justice Academy in the Spring of 2016 titled "Interviewing Generation ME," which will be delivered by Don Rabon. The North Carolina Justice Academy will host and coordinate these training sessions for the Association. The training will be four hours in length and the students will be tested at the conclusion of the training in accordance with the rule for requirements for mandated Annual In-Service Training. Commissioner Yolanda Sparrow proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Harold Medlock, **motion carried**.

NATIONAL CERTIFICATION PROGRAM – INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT TRAINING

On behalf of the International Association of Directors of Law Enforcement Training (IADLEST), Ms. Peggy Schaefer, NCP Director, briefed the Committee on the National Certification Program Initiative sponsored by the Association. The Association is conducting a thorough review of training content submitted to the Association for consideration in order to certify that training which meets the Association's standards. Ms. Schaefer stated that both Commission-accredited training and other agency training programs could be eligible to become nationally certified by the Association's program and that this is an excellent opportunity for law enforcement training in North Carolina. IADLEST has partnered with Envisage Technologies, who will provide a portal to view all

of the law enforcement training available in the country. Currently, approximately fourteen states are using the software. Fees are as follows: \$150.00 application fee, \$165.00 per online hour, and \$25.00 per in-person hour. Division staff requested approval to accept the NCP certified training to count towards approved training credit for Commission professional certificates. Commissioner Steve Johnson proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Yolanda Sparrow, **motion carried**.

INFORMATIONAL ITEMS

Concealed Carry Handgun Training Revisions

On behalf of the North Carolina Justice Academy, Wayne Ayers, Deputy Director, briefed the Committee on the revisions to the Concealed Carry Handgun Model Course and the Concealed Carry Handgun Instructor Training, as a result of House Bill 562 (2015) passed by the North Carolina General Assembly in late July 2015. Currently, the materials are being revised and will be ready for release no later than September 1, 2015 to the field.

General Instructor Certification Requirements

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen requested that the Committee provide guidance on the interpretations for ***12 NCAC 09B.0302 and 12 NCAC 09G.0308 – General Instructor Certification***.

Mr. Allen stated that Subparagraph (1)(B) requires the applicant "...has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field related to the criminal justice system." In recent months, the Division has received applications indicating work experience which, in the opinion of Division staff, does not meet this requirement. Examples are: Shipping/Receiving Manager, NCDPS -Correction Enterprises; Driver's License Examiner, NCDMV; and Division of Criminal Information, NC SBI. Division staff feels that the intent is for criminal justice officers to teach other criminal justice officers the mandated basic and in-service courses. Certifying individuals outside of these parameters could result in someone becoming eligible to teach courses in which they have little or no practical work experience.

Mr. Charles Walston distributed a handout that included an application and work history submitted by DPS on behalf of Jonathan Beck, Warehouse Manager for Correction Enterprises in Apex. Division staff felt that he did not meet the requirements for General Instructor certification. However, Mr. Walston feels that Mr. Beck meets the qualifications. He stated throughout Mr. Beck's work history with DPS, he has worked with minimum and medium custody inmates, and has experience in multiple areas of the agency. He stated Mr. Beck could provide quality training to staff and is a subject expert within his agency. The Committee welcomed comments and discussed issues faced by DPS. The Committee agreed that a process needed to be implemented in order to get more instructors to fit the needs of their agency.

The Committee took a five-minute break at 4:45 p.m., and the meeting re-convened at 4:50 p.m.

Commissioner Robert Ruth felt that the Committee should take the remarks under advisement, and create some guidelines.

Commissioner Pendergraft recommended meeting with Division staff to address the training needs of DPS and discuss avenues to give them flexibility to meet those needs.

After discussion, the Committee provided the following guidance for the staff:

- Form a committee to explore a possibility of process or program to certify instructors who currently do not meet the criteria for instructor certification in both rules.
- The Committee does not wish to change any current language in 12 NCAC 09B.0302 and 12 NCAC 09G.038 – General Instructor Certification.

With no further business, Commissioner Bob Ruth proposed a **motion** to adjourn, with a **second** from Yolanda Sparrow, **motion carried**. The meeting adjourned at 5:00 p.m.